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8 BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

9)
10 RE: Renton Heritage Apartments)
11 Conditional Use, Site Plan, and Parking) FINAL DECISION
12 Modification)
13 LUA14-000933, CU-H, SA-H, MOD)
14)

15 **Summary**

16 The applicant has applied for a conditional use permit, site plan approval, and modifications to the
17 refuse and recycling requirements. The conditional use permit, site plan and modifications are approved
18 with conditions.

19 The applicant proposes construction of a 5-story mixed-use building containing 101 residential units and
20 3,553 square feet of commercial space. In 2008 the applicant received Hearing Examiner Site Plan,
21 Conditional Use Permit, and parking modification approvals along with Environmental Review for the
22 construction of a similar 101 unit mixed use building. However, the Hearing Examiner Site Plan and
23 Conditional Use Permit approvals expired in 2010. The applicant is now proposing to maintain much of
24 the original proposal in order to eliminate the need for additional Environmental Review. The mixed-use
25 structure will have an average height of 64 feet.

26 The vacant 29,500 square foot site is located within the Center Downtown (CD) zoning classification on
the southwest corner of S 2nd St and Main Ave S. Primary vehicular access to the site will be provided
via two entry points from an existing alley, along the western side of the property, which is proposed to
be widened. A total of 101 parking spaces will be provided within the structure. A refuse and recycle
modification, from RMC 4-4-090, is being requested in order to reduce the number of required deposit
and collection points.

1 The site is located on Zone 1 of the Aquifer Protection Area and within a Seismic Hazard Area. There
2 are no other critical areas on or affecting the site.

3 **Testimony**

4 Rocale Timmons – Senior Planner, City of Renton

5 Ms. Timmons introduced the project (LUA1400933) and asked for exhibits listed on Page 2 of the Staff
6 Report to be admitted to the record.

7 Ms. Timmons stated the subject site is a collection of four parcels totaling about 30,000sf. The site is
8 bordered to the east by Main Avenue South, to the north by South Second Street, and to the west by an
9 alley. The site is considered a major gateway into the downtown core. It was formerly the site for a gas
10 station as well as for a service building that was demolished in the last couple of months. The site is in the
Urban Center Downtown land use designation as well as the Center Downtown Zone, and it is subject to
the Design District A design regulations.

11 The proposed structure is a five-story, mixed-use building, which will contain approximately 101
12 residential units (150 du/acre) as well as 3,500 square feet of commercial space and 101 parking stalls in
13 a two-level parking garage. Access will be at the rear of the building along the alley to the west. The
14 proposed structure will be directly adjacent to the proposed pedestrian facilities. The Applicant is
15 proposing store front glazing, covered canopies, and enhanced landscaping in order to enhance the
pedestrian experience along the street frontage. The corner of the building will serve as a focal point for
the development. The main residential entrance will be located along Main Avenue South. This entryway
will feature a two-story recess to make it easily identifiable at the street level. The proposed courtyard
incorporates hardscape as well as landscaping for the residents to enjoy.

16 Ms. Timmons stated the Applicant is requesting a site plan review, a conditional use permit, and a refuse
17 and recycle modification. In 2008, the Applicant received site plan and conditional use permit approval
18 from the Hearing Examiner as well as a parking modification. Those approvals have since expired. As a
19 part of original approval, the Applicant received an environmental determination. The environmental
20 review is still valid. The Applicant has revised the proposal, but has attempted to maintain much that is
21 relevant to the environmental determination in order to eliminate the need for additional environmental
22 review. On August 18, 2014, the environmental review committee issued an addendum to the existing
environmental review which eliminated mitigation measures 2, 3, 5, and 6 because they are no longer
applicable to the proposal. Ms. Timmons stated there have been no public or agency comments received
to date on the proposal.

23 Ms. Timmons stated the proposal complies with the City's Comprehensive Plan Land Use and
24 Community Design elements. The proposal is a mixed-use development, which makes it a contribution to
25 the City's vibrant core. If all conditions are met, the Staff believes this development will represent a
26 distinct sense of place. The development, as proposed satisfies the height, screening, landscaping, and
parking development standards. However, Staff has included several recommendations for conditions of
approval for landscaping and parking. Staff is recommending the Applicant submit a revised landscape
plan depicting specific details for the courtyard screening and furniture as well as for an addition tree

1 along the street scape. Staff reviewed the refuse and recycle modification and concurs the requested
2 modification conforms to the intent and purpose of the code.

3 As conditioned, the proposal meets the intent of the design regulations. Ceiling height for the first story is
4 13.5 feet with a two-story entrance for the residential component. Staff is recommending a condition of
5 approval requiring an increase in ceiling height for the commercial component in order to allow in more
6 natural light. A ceiling height increase will also provide a better relationship, from a design standpoint,
with the two-story entrance feature. The Staff has included flexibility in the recommended condition of
approval for this aspect of the commercial component of the project. In addition, Staff has recommended
a condition of approval to enhance the overall quality of the pedestrian experience.

7 As conditioned, the proposal satisfies all site plan review criteria. Existing parks, police, and fire
8 prevention resources are sufficient to furnish the proposed development, as conditioned. The Applicant
9 will be required to install a water main in order to provide adequate water service to the site. The
10 Applicant requested an exemption from the stormwater drainage standards for flow control. Ms.
11 Timmons noted the preliminary drainage report fails to demonstrate compliance with some of the flow
12 control criteria. However, Staff believes the proposal can meet this exemption if the Applicant can
13 demonstrate they meet the criteria. Ms. Timmons stated the City anticipates the Renton School District
can accommodate any additional students generated by the proposal. The proposed project will result in
short term as well as long term impacts on the City's street system. The City plans to extend the alley to
accommodate these impacts. The Applicant will pay traffic impact fees.

14 Finally, the Applicant has requested a conditional use permit for additional density to increase from 100
15 dwelling units per acre to 150 dwelling units per acre. Staff has found the site lends itself well to the
16 proposed use, and does not think the increase in density will have adverse impacts on surrounding
17 properties. Staff is recommending approval of the Heritage Apartments proposal subject to recommended
conditions of approval. Staff has incorporated flexibility where applicable into the recommended
conditions of approval in order to encourage additional discussion between Staff and the Applicant.

18 In response to the Hearing Examiner, Ms. Timmons clarified the extension of the alley is going to be a
19 project of the City, rather than the Applicant. The project has been funded, and the City has begun work
20 to obtain the necessary easements from the adjacent property owners. There appears to be public support
for the alley extension. Ms. Timmons stated the extension of the alley is intended to provide a connection
to Main Avenue South. If the alley is not extended, access can still occur.

21 Referring to Page 8 of the Staff Report, the Hearing Examiner asked why Staff has recommended 20
22 additional parking stalls beyond the 104 stalls in the proposed parking garage. Ms. Timmons stated Staff
23 is recommending a range between 10 to 20 stalls, and this is to accommodate the concerns from the
24 public about the deficiencies in parking in the area. Staff is recommending a modification to the cap on
25 104 stalls in order to allow necessary additional stalls so as not to exacerbate the parking situation in the
area. The Hearing Examiner asked whether applicable development standards for the parking lot have
changed since the original proposal was approved in 2008. Ms. Timmons stated some parking standards
have changed, but otherwise the standards are the same.

26 Oscar Del Moro – Applicant

1 Mr. Del Moro submitted for the record a response to the Staff recommendations (*See* Ex. 18). Mr. Del
2 Moro stated he agrees with the City's conditions of approval No. 1-3. However, with respect to the
3 request for an additional 10 to 20 parking spaces in recommended condition of approval No. 4, he
4 wanted to clarify for the record there was a calculation error in the number of employees associated with
5 the commercial component of the project. He stated only up to four spaces are needed for employees.
6 Also, there are no code requirements for retail parking. Mr. Del Moro noted the proposal dedicates 15
7 parking stalls to property management. These spaces are directly off the alley, and retail employees will
8 be able to use those if necessary. The total number of employees on the project site will probably be one
9 to two, a full-time manager and a part-time handy person. The residential parking by code is one per unit,
and there is sufficient off-street parking in the downtown core. He stated his company does a lot of
projects in urban jurisdictions, and it is their forte. They have already added another 10 spaces to the
project to accommodate some of the City's concerns, thus right now they are at 114 parking spaces. They
will continue to work with the City. Mr. Del Moro agrees with the city's Conditions of approval No. 5
and 6 as well as No. 8-17.

10 Robin Murphy – Applicant's Agent

11 Mr. Robin Murphy submitted a letter to the record (*See* Ex. 19). Mr. Murphy stated he is the principal
12 landscaper for Murphy Architects in Seattle, and he is the architect for the Applicant on this project. He
13 submitted some revised drawings for the project (*See* Ex. 20). Mr. Murphy stated he spoke to Staff about
14 two weeks ago about some of their conditions, and he has since made some changes to the exterior. In
15 particular, the architecture for the commercial entry at the corner has been modified so it will match the
16 residential entry, and it will appear to be a two-story entry. Additionally, they have raised the floor level
of the commercial space height to 15 feet, and have increased the amount of glazing at the retail area.
They would prefer not to have a continuous awning along the commercial frontage in order to have the
awnings instead accenting the entryways.

17 Mr. Mascarinas – Adjacent Property Owner

18 Mr. Mascarinas stated he is a property owner adjacent to proposed project site, and he wanted to know
19 where he could find the construction mitigation plan for the project.

20 Rocale Timmons – Senior Planner, City of Renton

21 Ms. Timmons stated she would provide Mr. Mascarinas with the conceptual construction mitigation plan.
22 The final construction mitigation plan will be submitted prior to construction permit approval. She will
provide him with the final construction mitigation plan when it is available.

23 Mr. Charles Divelbiss – Adjacent Property Owner

24 Mr. Charles Divelbiss stated he is the owner of three pieces of property adjacent to the alley. He is
25 concerned this project is open-ended. From the testimony today, it sounds like he needs to provide the
26 City with easements, but he does not know for what. It is unclear what the final plan is, or when the end
date is.

1
2 Staff Response

3 In response to a question from the Hearing Examiner, Mr. Lee stated the existing alleyway will be
4 adequate to handle the existing traffic plus the new traffic this project will introduce. Also, this alleyway
5 will not be used for fire access.

6 Ms. Timmons stated Staff is concerned there are not enough direct access parking stalls. The conceptual
7 parking plan the Applicant has proposed includes tandem spaces. Staff does not think tandem spaces are
8 sufficient for employees as well as patrons, and are concerned the current parking issues might be
9 exacerbated. Staff would like the Applicant to try to accommodate as many direct parking stalls as
10 possible without expanding their parking footprint too much. Ms. Timmons stated she wanted to clarify
11 the condition dealing with the awnings is built with a lot of flexibility, and continual use of awnings is not
12 necessary if the Applicant uses other items to achieve the same design intent that continual use of
13 awnings would.

14 The Hearing Examiner asked whether Staff needed time to look over the Applicant's dispute in Exhibit
15 18 over the number of parking stalls for retail. Ms. Timmons stated they did need time to look it over.
16 This project is going to be very dense with 150 dwelling units per acre along with commercial space in an
17 area that does not have very much parking. Staff is concerned parking will not be accommodated for this
18 intensity of the use.

19
20 **Exhibits**

21 The September 9, 2014 Staff Report Exhibits 1-17 identified at Page 2, part B of the Staff Report itself
22 were admitted into the record during the hearing. The following exhibits were admitted to the record
23 during the hearing:

24 Exhibit 18 – Response to Staff recommended conditions of approval in Staff Report from Oscar Del
25 Moro (September 9, 2014)

26 Exhibit 19 – Letter from Mr. Robin Murphy, Applicant's Architect (September 9, 2014)

Exhibit 20 – Revised Landscape Drawings (September 9, 2014)

Two final exhibits, Exhibits 21 and 22 were entered into the record after the hearing. Exhibit 21 is a
Memo dated September 11, 2014 from Rocale Timmons to the Hearing Examiner related to the parking
modification. The Applicant in an email to the Examiner dated September 12, 2014 (Exhibit 22) notified
the Examiner of their concurrence with the City's proposed parking modifications from Exhibit 21.

23
24 **FINDINGS OF FACT**

25 **Procedural:**

- 26 1. Applicant. Oscar Del Moro, Cosmos Development Company.

2. Hearing. The Examiner held a hearing on the subject application on September 9, 2014 at 12:30 pm in the City of Renton Council Chambers. The record was left open until September 11, 2014 to allow Staff to comment on Exhibit 21. The Applicant was given until September 12, 2014 to respond to the Staff comments.

3. Project Description. The Applicant proposes construction of a 5-story mixed-use building containing 101 residential units (148.5 du/acre) and 3,553 square feet of commercial space. The mixed-use structure will have an average height of 64 feet and a maximum height of 72.71 feet.

In 2008 the Applicant received Hearing Examiner Site Plan, Conditional Use Permit, and parking modification approvals along with Environmental Review for the construction of a similar 101 unit mixed use building. However, the Hearing Examiner Site Plan and Conditional Use Permit approvals expired in 2010. The Applicant is now proposing to maintain much of the original proposal in order to eliminate the need for additional Environmental Review. The Applicant has indicated that the revised proposal includes the same number of units, height, access, public art commitment and orientation as the expired proposal. The differences between the proposed and expired site plans include a reduction in parking stalls and different architectural detailing. Additionally, vehicular access is now proposed to be limited to the alley to the west with no vehicular access from Main Avenue South.

The vacant 29,500 square foot site is located within the Urban Center Downtown (UCD) Comprehensive Plan land use designation, the Center Downtown (CD) zoning classification, and Design District 'A'. The site is located on Zone 1 of the Aquifer Protection Area and within a Seismic Hazard Area. There are no other critical areas on or affecting the site.

The property is located on the southwest corner of South 2nd Street and Main Avenue South. Existing retail uses abut the site to the south and west. Primary vehicular access to the site will be provided via two entry points from an existing alley, along the western side of the property, which is proposed to be widened. Up to a maximum 104 parking spaces will be provided within the structure. The Applicant will also provide 51 bicycle parking stalls. *See* Ex. 21 and Staff Report, Page 8, Parking. Vehicular access to the parking structure will be from the alley.

The Applicant is proposing a pedestrian circulation system around the project site which provides good access to the commercial spaces and proposed residential amenities. With the provision of a 4-foot wide pedestrian easement along Main Avenue South and South 2nd Street, the existing 8-foot wide sidewalks would be widened to 12-feet. The increase in width would serve to reinforce the pedestrian network linkages and promote pedestrian activity. The Applicant has achieved safe and attractive pedestrian connections throughout the site.

The building's primary (residential) entrance is proposed to be located in the center of the eastern façade facing Main Avenue South. The primary entrance will be a two-story structure. Secondary (retail) entrances are also proposed along Main Avenue South and at that northeast corner of the structure. The Applicant has proposed brick masonry siding as a base material to ground the first and portions of the second story along Main Avenue South and South 2nd Street. Cement board paneling of various colors and horizontal and vertical metal siding is proposed for use in order to create visual interest and provide breaks in exterior walls (*See* Ex. 5).

1 The approximate volume of the cut will be 2,768 cubic yards. This will accommodate below grade
2 parking. Excavated material will be hauled off site.

3 The Applicant did not submit a signage package for the proposed mixed use structure. Given the location
4 of the subject site as a gateway into Downtown Renton a conceptual sign package which indicates the
approximate location of all exterior building signage would serve to ensure proposed signage is in
keeping with building's architecture and exterior finishes.

5 The Applicant has requested a modification to the refuse and recycle requirements (RMC 4-4-090), in
6 order to reduce the number of required deposit and collection points. Based on the proposal for a total of
3,553sf of retail/restaurant space; a minimum area of 100sf of refuse and recycle area would be required
7 for the commercial component of the project. Another 455sf of refuse and recycle area is also required to
be dedicated based on the proposal for 101 residential units.

8 The Applicant is proposing to locate a 559sf refuse and recycle enclosure under the structure along the
9 alley. The Applicant is proposing only one collection point for the building as opposed to the four that
would be required pursuant to code.

10 Pursuant to RMC 4-9-250D the Applicant is requesting Administrative Modifications from RMC 4-4-
11 090, Refuse and Recyclable Standards in order to reduce the number of collections points.

12 4. Adequacy of Infrastructure/Public Services. The project will be served by adequate
13 infrastructure and public services as follows:

- 14 A. Water and Sewer Service. The proposed development is within the City of Renton's 196
15 pressure zone water service area. There is an existing 8-inch water main in Main Avenue
16 South and an existing 8-inch water main in South 2nd Street (refer to City water project plan
no. W-1156) which can deliver a maximum total flow capacity of 2,400 gallons per minute
(gpm). The static water pressure is about 65 psi at ground elevation of 44 feet.

17 The site is served by the City of Renton for all utilities. The Fire Marshall has determined
18 preliminary fire flow demand for the proposed development (4,500 gpm) exceeds the
available maximum fire flow capacity. In order to provide water service for domestic and fire
19 protection to the proposed project, the Applicant must install approximately 600 feet of 12-
20 inch water main in Main Avenue South from the existing 12-inch water main in South 3rd
Street to the existing 12-inch water main at the intersection of Bronson Avenue South and
21 South 2nd Street.

22 Sewer service is provided by the City of Renton. There is an 8-inch sewer main in an
23 easement on the site, an 8-inch sewer main in Main Street, and an 8-inch sewer main in South
2nd Street. Sewer system capacity is of sufficient size to support the proposed development.
24 The Applicant will be required to pay the system development fee for sewer.

- 25 B. Fire and Police. Fire and police department Staff have determined that existing facilities are
26 adequate to serve the development as conditioned and with the payment of Fire Impact Fees.

1 C. Drainage. The project is located in the Lower Cedar River basin and is located within ½ mile
2 of the Cedar River. A series of catch basins along Main Avenue South and catch basins at the
3 northeast corner of the site provide discharge locations for the stormwater runoff. Stormwater
4 runoff generated on the site currently appears to sheet flow toward the north and east section
of the lot, where it is collected in multiple catch basins and is piped to a 12-inch storm
conveyance in Main Avenue South.

5 The Applicant submitted a preliminary drainage plan and drainage report prepared by DCI
6 Engineers, dated July 15, 2014 (Exhibit 11). The report addresses compliance with the 2009
7 King County Surface Water Manual (KCSWM) and the 2009 City of Renton Amendments
to the KCSWM, Chapters 1 and 2. Based on the City's flow control map, this site falls within
the Peak Rate Flow Control Standard (Existing Site Conditions).

8 The proposed development would preserve the existing drainage pattern. The drainage report
9 provided indicates no flow control measures are required and the property is exempt from
10 water quality. However, the report does not include information on capacity for the existing
11 conveyance system. Additionally, while the report indicated there is no flow control required
there is no demonstration of meeting exemptions allowed in the KCSWDM. Flow control
12 may be required in accordance with Core Requirement # 3. In order to meet the exemption
for flow control, the project is required to meet one of the three criteria in Chapter 1.2.3.

13 Finally, water quality treatment may also be required in accordance with Core Requirement
14 #8. The plans on file appear to show the new plus replaced PGIS exceeds the threshold of
15 5,000sf. In order to meet the surface area exemption for water quality, all three criteria are
16 required to be met under Chapter 1. Approximately 90% of the existing PGIS will be
replaced by the new building. All commercial development is required to provide enhanced
water quality treatment, if not exempt.

17 The Applicant will be required to submit a Final TIR at the time of construction permit.

18 D. Parks/Open Space. In addition to paying the Park Impact Fee, the Applicant is proposing a
19 total of 5,114sf of common open space which exceeds the 50sf/unit requirement. The
20 5,114sf is distributed between a 1,105sf residential amenity space at grade and a 4,009sf roof
21 deck patio on the second floor. The second floor common deck/roof garden will be centrally
22 located, with dwelling units surrounding it on three sides. The second floor common
23 deck/roof garden will be located on the west side of the property, and will enjoy solar
24 exposure from mid-afternoon to early evening in the summer. The ground floor residential
amenity space will be adjacent to the main residential lobby off of Main Avenue South. All
units are also proposed to either have a ground floor patio or a private deck for the upper
story units. Staff indicated support for a proposal to provide extra pedestrian amenity space at
the street level in lieu of providing public art.

25 E. Transportation. The Applicant submitted a traffic study prepared by Heffron Transportation,
26 dated June 17, 2014 (Exhibit 14). The subject site fronts onto South 2nd Street and Main

1 Avenue South. All vehicular access to parking areas would be at the rear of the building
2 along the alley to the west.

3 The existing right-of-way width in Main Avenue South is 60 feet. The existing right-of-way
4 width for South 2nd Street is also 60 feet. Both streets are classified as a Principal Arterials.
5 The Applicant is required to install street improvements fronting the site to include a new 12-
6 foot sidewalk, street trees (4-foot x 8-foot grates) behind the existing curb, and street lighting
meeting City's arterial street lighting levels. The northeast lot corner would require a
minimum radius of 25 feet. Existing pavement sections from curb to curb for both streets are
acceptable.

7 Pursuant to RMC 4-6-060 alleys are required to be 16 feet in the commercial zones.
8 Dedication of right of way would be required in order to widen and improve the alley.

9 Vehicle ingress and egress to the site will be from South 2nd Street via a 16 foot alley located
10 along the west side of the site. The alley currently extends approximately 400 feet south from
11 2nd Street and terminates. Unrelated to this development approval, the City has plans to
12 extend the existing alley from its current terminus south and east out to Main Avenue South
13 (approximately 270 lineal feet). The extension would be completed by obtaining additional
14 easements/right-of-way from abutting property owners (*See* Ex. 16). The City extension of
the alley, along with alley improvements for the proposed development would provide alley
access to Main Ave South. Public works staff testified that the City extension is not
necessary for safe and efficient vehicular circulation at the project site.

15 The proposal is estimated to generate 950 daily vehicle trips; 740 daily trips are associated
16 with the proposed apartment units and 210 daily trips from the proposed retail space.
Weekday peak hour AM will generate 58 vehicle trips and 92 trips occurring during the PM
peak hour.

17 Currently all surrounding intersections operate at LOS A and would continue to operate at
18 LOS A with the project in 2016, with the exception of northbound traffic from the alley to
19 South 2nd St and eastbound traffic from the alley to Main Avenue South. The level of service
20 would change to LOS B which is acceptable to the City. The increased traffic created by the
development will be mitigated by payment of transportation impact fees.

21 The proposed project would result in short term and long term impacts to the City's street
22 system. Traffic impact fees for the new use based on square footage of the new building and
23 use (not including parking garage) will apply. Credit will be given towards the previous use
and impact fees paid at that time. Impact fee (without a credit) is estimated to be
\$112,378.00. Payment of impact fee will be due at time of building permit issuance.

- 24 F. Schools. The Renton School District can accommodate any additional students generated by
25 the proposal. A School Impact Fee, based on new multifamily unit, will be required in order
26 to mitigate the proposal's potential impacts to Renton School District. The fee is payable to

1 the City as specified by the Renton Municipal Code. Currently the fee is assessed at
2 \$1,339.00 per multi-family unit.

- 3 G. Refuse and Recycling. The Applicant contends the required number of deposit and collection
4 locations would present a practical difficulty for creating a functional and efficient ground
5 floor layout. The proposed refuse deposit area would be located in a relatively centralized
6 location at the rear of the building. The location would be approximately 108 feet from the
7 furthest entrance to the residential component of the project to allow for easy access to
8 residents. Its location would also serve to provide ease of access to hauling trucks.

9 Staff concurs the requested modification conforms to the intent and purpose of the refuse and
10 recyclable standards by providing adequate refuse deposit areas in the amount necessary for
11 the Renton Heritage Apartment project and sufficient locations as to not cause residents to
12 travel very far to drop refuse and recyclables. The proposed refuse and recycle deposit areas
are located within the proposed structure and would therefore not have impacts on
surrounding properties within the vicinity.

- 13 H. Parking. Up to a maximum 104 parking spaces will be provided within the structure. The
14 Applicant will also provide 51 bicycle parking stalls. See Ex. 21 and Staff Report, Page 8,
Parking. Vehicular access to the parking structure will be from the alley.

- 15 5. Adverse Impacts. There are no significant adverse impacts associated with the project. Few
16 adverse impacts are anticipated. Adequate infrastructure serves the site as determined in Finding of Fact
17 No. 4. Impacts are more specifically addressed as follows:

- 18 A. Aesthetics. According to the Staff Report, the proposal will not affect view corridors to
19 shorelines and Mount Rainer. The building will be taller than surrounding development;
20 however it is consistent with the changing character of the area. The Applicant proposes a
21 varied roofline consisting primarily of shed roofs at a low angle that have been articulated for
22 visual interest (Exhibit 5). The height of the proposed structure would be 72 feet and 8 ½ -
23 inches at the tallest point of the shed roof elements. The proposal complies with the height
24 requirement of the zone. The Airport overlay, Part 77 horizontal surface height limit is 179
25 feet above mean sea level in this area and the proposal would be below the maximum height
26 permitted in the overlay.

While there are no landscape requirements in the CD zone, a conceptual landscape plan was
submitted with the project application (Exhibit 3). The conceptual landscape plan illustrates
materials that would be used to enhance the visual character of the building.

The proposed street level landscaping utilizes street trees in 4-foot x 8-foot tree grates used to
highlight architectural features and create visual interest along the streetscape. The proposed
street trees, Princeton sentry, along S 2nd St and Main Ave S are appropriate to downtown
development.

1 The Level 2 courtyard garden would use a variety of tree and shrub planter boxes placed to
2 create varied residential gathering spaces and screening would be used to provide privacy for
3 adjacent residential units. Plaza pavers would also be used to further define courtyard
gathering spots. A fire pit and movable site furniture are also proposed.

4 The landscape plan includes a planting plan which contains different tree (vine maple,
5 Japanese stewartia) and shrub species (fire redbud, dogwood, pacific rhododendron, red
6 flowering current, and evergreen huckleberry), but does not provide specific detail for the
7 screening and furniture for the Level 2 plaza. Additionally, the proposal would benefit from
the placement of another street tree along Main Avenue South at the southern portion of the
site as well as landscape planters to denote pedestrian entry points.

8 Human-scaled elements such as lighting fixtures or other landscape features along the
9 majority of the building's northern or eastern façades are proposed. However, the elements
are not apparent on the provided elevations (Exhibit 4). Additional human scale elements are
10 needed in order to reinforce a pedestrian oriented development and enhance the commercial
11 portion of the project at the street front. The proposed aluminum store front windows for the
12 retail space are limited to the retail space portion that is tucked under the corner of the
building. In order to reinforce the pedestrian scale of the retail space, floor to ceiling window
13 types should be considered for extension to the west along South 2nd Street and south along
Main Avenue South to the respective retail space entrance from the sidewalk. The increase in
14 glazing would not only work to attract active retail/restaurant tenants, as well as provide
sufficient visibility into and out of the space and provide better visibility to the public plaza
15 across S 2nd St. Additional vegetation in planters along the street facade would partially meet
the intent of this standard.

16 Proposed new landscaping will meet the minimum requirements for landscaping along all
17 public street frontages, along common property lines with residential development, and for
parking areas. A conceptual landscape plan was submitted with the project application. There
18 were no public comments expressing any concern over view impacts. The mass and scale of
the building are within the bulk and dimensional requirements of the zoning district.

- 19 B. Lighting. The application narratives indicate that building lighting will be utilized to
20 complement the architecture of the building. However, a lighting plan was not provided with
the application.
- 21 C. Internal Circulation. Staff received comments from City Departments regarding safety
22 concerns for patrons using the outdoor seating area and the potential for vehicles using the
23 busy intersection to jump the curb. Bollards or other alternative safety measures are needed
and required as a condition of approval.
- 24 D. Bicycle Stalls. The project accommodates bicycle use by including 51 bicycle stalls as
25 required by RMC 4-4-080(F)(11).
26

- 1 E. Noise. The City's noise regulations, Chapter 8-7 RMC, sets the legislative standard for noise
2 impacts and will adequately regulate noise when construction is completed.
- 3 F. Drainage. Drainage is discussed more fully above in Finding of Fact No. 4C. As proposed
4 and conditioned, no adverse drainage impacts are anticipated.
- 5 G. Refuse and Recyclables. The proposed refuse and recyclable collection area is located in a
6 central location on the subject site, away from surrounding properties.
- 7 H. Critical Areas and Natural Features. The site is located on Zone 1 of the Aquifer Protection
8 Area and within a Seismic Hazard Area.

9 The purpose of the Aquifer Protection Area regulations is to protect aquifers used as potable
10 water supply sources by the City from contamination by hazardous materials. RMC 4-3-050
11 outlines prohibited activities with the Zone 1 of the Aquifer Protection area. The proposed
12 uses are not prohibited and the Applicant is not proposing the use of fill on site. The proposal
13 is not likely to impact the long-term, short-term or cumulative quality of the aquifer.

14 Closure of a facility or termination of any or all facility activities in Zone 1 of the Aquifer
15 Protection Area shall be conducted in accordance with the closure requirements of RMC 4-9-
16 015F, Closure Permit. The Closure Permit demonstrates that no detectable unauthorized
17 release has occurred or that unauthorized releases have been cleaned up. It is unclear if the
18 former use (gas station) obtained necessary closure permits.

19 The site is exempt from tree retention requirements found in RMC 4-4-130 because there are
20 currently no trees on site. The Applicant is proposing to plant six additional trees within the
21 right-of-way. Staff has recommended a condition of approval requiring the Applicant to plant
22 a seventh tree along Main Avenue South to comply with the City's Design Regulations.

23 The Applicant provided a geotechnical report, prepared by Geotech Consultants, Inc., on July
24 8, 2007 (Exhibit 10). The site is nearly level. The subsurface evaluation for the project
25 identified the predominant soil on site as medium dense alluvial sand and gravels, overlain by
26 approximately 3 feet of fill and 15 feet of fill where gas tanks were previously located.
Groundwater was encountered at depths of 20-26 feet.

The soil conditions observed in the geotechnical explorations were found to be suitable for
mat foundation. Additional recommendations, included in the geotechnical report, include
specific recommendations for: site preparation, structural fill, excavation, slab-on-grade
floors, drainage, and pavements. As such, Staff recommended as a SEPA mitigation measure,
that the Applicant comply with all of the design recommendations included within the
"Geotechnical Engineering Study", prepared by Geotech Consultants, Inc. (Exhibit 7 and
12).

Following development, impervious surface coverage would be approximately 100%. On site soil removal would be required to reach the bottom of excavation for the lower parking level. The approximate volume of cut would be 2,678 cubic yards and hauled off site.

Conclusions of Law

1. Authority. Mixed residential and commercial uses are permitted in the Center Downtown Zone. The maximum net residential density in the Center Downtown zone is 100 dwelling units per acre. Residential density may be increased to up to 150 dwelling units per acre subject to an Administrative Conditional Use approval (RMC 4-2-120B). Site plan review is required for all development in the Center Downtown zone (RMC 4-9-200B-2). Administrative Conditional Use approval and Site Plan Review are both Type II permits with authority for approval given to Staff (RMC 4-8-080(G)). RMC 4-8-080(G) classifies refuse and recycling standards modifications as Type I permits with authority for approval given to Staff. The site is located within Design District 'A'. RMC 4-3-100 grants approval authority for design review to Staff unless Hearing Examiner review is required. All three of the aforementioned permits have been consolidated. RMC 4-8-080(C)(2) requires consolidated permits to each be processed under "the highest-number procedure". The Type II applications are the highest numbered review procedures, all with approval authority granted to Staff. However, RMC 4-9-200(D)(2)(b)(i) requires a hearing before the Hearing Examiner for site plan review if the project contains more than 100 residential units. Site Plan Review (Hearing Examiner) is a Type III permit (RMC 4-8-080(G)) with approval authority granted to the Hearing Examiner.

2. Zoning/Comprehensive Plan Designations. The subject property is within the Urban Center Downtown (UCD) Comprehensive Plan land use designation, the Center Downtown (CD) zoning classification, and Design District 'A'.

3. Review Criteria. Conditional use criteria are governed by RMC 4-9-030(D). Site plan review standards are governed by RMC 4-9-200(E)(3). Modifications are governed by RMC 4-9-250(D)(2). All applicable criteria are quoted below in italics and applied through corresponding conclusions of law.

Conditional Use

The Administrator or designee or the Hearing Examiner shall consider, as applicable, the following factors for all applications:

RMC 4-9-030(C)(1): *Consistency with Plans and Regulations: The proposed use shall be compatible with the general goals, objectives, policies and standards of the Comprehensive Plan, the zoning regulations and any other plans, programs, maps or ordinances of the City of Renton.*

4. The proposal is consistent with Objectives LU-QQ and Policies LU-201, LU-202, LU-204, LU-205, CD-36 and CD-39 as quoted at page 6 of the Staff report because as designed and mitigated the project provides a mix of uses at an urban density and intensity, at a mid-rise height, which complements the regional commercial district, provides for prominent architectural features, focal features, structured parking and creates a distinct sense of place. The proposal is consistent with all applicable zoning and other development standards as outlined in Finding 22(a)-(r) of the Staff Report and Exhibit 22, adopted and incorporated by this reference as if set forth in full.

1
2 **RMC 4-9-030(C)(2): *Appropriate Location:*** *The proposed location shall not result in the*
3 *detrimental overconcentration of a particular use within the City or within the immediate area of the*
4 *proposed use. The proposed location shall be suited for the proposed use.*

5 5. The subject site is classified Center Downtown (CD). The purpose of the CD zone is to provide a
6 mixed-use urban commercial center serving a regional market as well as high-density residential
7 development. This proposal is for high density (~ 150du/acre) residential development in a mixed use
8 building with structured parking. Given these factors the criterion is met.

9 **RMC 4-9-030(C)(3): *Effect on Adjacent Properties:*** *The proposed use at the proposed location*
10 *shall not result in substantial or undue adverse effects on adjacent property.*

11 6. As determined in Finding of Fact No. 5, as conditioned, there are no adverse impacts associated
12 with the proposal, so it will not result in substantial or undue adverse effects on adjacent property.

13 **RMC 4-9-030(C)(4): *Compatibility:*** *The proposed use shall be compatible with the scale and*
14 *character of the neighborhood.*

15 7. As determined in Finding of Fact No. 5 under the discussion of aesthetic impacts, the proposed
16 use is compatible with the scale and character of the neighborhood. However, several conditions of
17 approval increase the compatibility of the proposal with the intended high density pedestrian
18 environment. The Applicant's intent for pavement design for the replaced and new sidewalk areas is
19 unclear. In order to ensure consistent pavement design with existing Downtown public sidewalk
20 pavement, a condition of approval will require the Applicant to provide a pavement design for Main
21 Avenue South and South 2nd St. Also, as a condition of approval, the Applicant must submit a revised
22 landscape plan to the Current Planning Project Manager prior to building permit approval. The revised
23 landscape plan shall depict the following: specific detail for courtyard screening and furniture; an
24 additional street tree along Main Avenue South at the southern portion of the site; and landscape planters
25 to denote pedestrian entry points. As conditioned, this criterion is satisfied.

26 **RMC 4-9-030(C)(5): *Parking:*** *Adequate parking is, or will be made, available.*

8. As determined in Conclusion of Law No. 4H, the proposal includes parking that is consistent
with applicable parking standards, which sets a legislative standard for adequate parking.

RMC 4-9-030(C)(6): *Traffic:* *The use shall ensure safe movement for vehicles and pedestrians and*
shall mitigate potential effects on the surrounding area.

9. As determined in Finding of Fact No. 5, the proposed site improvements would result in
improved pedestrian and vehicle linkages while not adversely affecting levels of service. The project
includes several improvements over existing pedestrian circulation. The criterion is met.

RMC 4-9-030(C)(7): *Noise, Light and Glare:* *Potential noise, light and glare impacts from the*
proposed use shall be evaluated and mitigated.

10. A lighting plan was not provided with the application. A condition of approval will require the Applicant to provide a lighting plan compliant with RMC 4-4-075 lighting standards. City regulations require lights to be directed inwards and that light trespass is prohibited. As to noise, the City's noise regulations, Chapter 8-7 RMC, sets the legislative standard for noise impacts and will adequately regulate noise when construction is completed. As determined in Finding of Fact No. 5, and as conditioned, noise and light impacts are adequately addressed and mitigated.

RMC 4-9-030(C)(8): Landscaping: *Landscaping shall be provided in all areas not occupied by buildings, paving, or critical areas. Additional landscaping may be required to buffer adjacent properties from potentially adverse effects of the proposed use.*

11. As noted in Finding of Fact No. 5 under aesthetic impacts, the Applicant submitted a conceptual landscaping plan. The landscaping plan does not provide specific detail for the screening and furniture for the Level 2 plaza. Additionally, Staff recommend placement of another street tree along Main Avenue South at the southern portion of the site and the installation of landscape planters to denote pedestrian entry points. As a condition of approval, the Applicant shall submit a revised landscape plan to the Current Planning Project Manager prior to building permit approval. The revised landscape plan shall depict the following: specific detail for courtyard screening and furniture; an additional street tree along Main Avenue South at the southern portion of the site; and landscape planters to denote pedestrian entry points. As conditioned, this criterion is satisfied.

Site Plan

RMC 4-9-200(E)(3): Criteria: *The Administrator or designee must find a proposed project to be in compliance with the following:*

a. Compliance and Consistency: *Conformance with plans, policies, regulations and approvals, including:*

i. Comprehensive Plan: *The Comprehensive Plan, its elements, goals, objectives, and policies, especially those of the applicable land use designation; the Community Design Element; and any applicable adopted Neighborhood Plan;*

ii. Applicable land use regulations;

iii. Relevant Planned Action Ordinance and Development Agreements; and

iv. Design Regulations: *Intent and guidelines of the design regulations located in RMC 4-3-100.*

12. As discussed in Conclusion of Law No. 4 and as conditioned, the proposal is consistent with the City's comprehensive plan, development regulations and design standards.

RMC 4-9-200(E)(3)(b): Off-Site Impacts: *Mitigation of impacts to surrounding properties and uses, including:*

1 *i. Structures: Restricting overscale structures and overconcentration of development on a*
2 *particular portion of the site;*

3 *ii. Circulation: Providing desirable transitions and linkages between uses, streets,*
4 *walkways and adjacent properties;*

5 *iii. Loading and Storage Areas: Locating, designing and screening storage areas,*
6 *utilities, rooftop equipment, loading areas, and refuse and recyclables to minimize views*
7 *from surrounding properties;*

8 *iv. Views: Recognizing the public benefit and desirability of maintaining visual*
9 *accessibility to attractive natural features;*

10 *v. Landscaping: Using landscaping to provide transitions between development and*
11 *surrounding properties to reduce noise and glare, maintain privacy, and generally*
12 *enhance the appearance of the project; and*

13 *vi. Lighting: Designing and/or placing exterior lighting and glazing in order to avoid*
14 *excessive brightness or glare to adjacent properties and streets.*

15 13. While the proposed mixed-use structure is concentrated over the entire site, the building's façade
16 would be articulated and modulated in order to divide larger architectural elements into small
17 increments. The building's roof lines, pitches, and shapes would also be articulated and appear to be
18 designed to reduce apparent bulk. The proposal provides a visual continuation of the neighboring
19 pedestrian storefronts. The Applicant is also proposing the use of storefront glazing, covering canopies,
20 enhanced landscaping and an on-site outdoor dining space, which would work to enhance the pedestrian
21 experience. The corner element of the building will consist of a segmented curve to soften the corner of
22 the building mass. The element itself will be modulated and articulated to continue to principle of
23 breaking down the building volume. Transparent windows will comprise a minimum of 75% of the
24 linear frontage of the ground floor facade.

25 The Applicant has made proper provisions for circulation by locating all vehicle access to the rear of
26 the building along an alley with no curb cuts proposed on adjacent streets. Circulation will be safe and
effective.

No rooftop mechanical equipment will be installed and all refuse and recycling is proposed to be
located within the parking structure. These facilities will be screened from adjacent property owners.

As noted in Finding of Fact No. 5, the project will not impede views. Conditions of approval require the
Applicant to submit a revised landscape plan (*See Conclusion of Law No. 11 above*) and a lighting
plan (*See Conclusion of Law No. 10*). As conditioned, the proposed project will mitigate all off-site
impacts.

RMC 4-9-200(E)(3)(c): On-Site Impacts: Mitigation of impacts to the site, including:

1 **i. Structure Placement:** Provisions for privacy and noise reduction by building placement,
2 spacing and orientation;

3 **ii. Structure Scale:** Consideration of the scale of proposed structures in relation to natural
4 characteristics, views and vistas, site amenities, sunlight, prevailing winds, and pedestrian
and vehicle needs;

5 **iii. Natural Features:** Protection of the natural landscape by retaining existing vegetation
6 and soils, using topography to reduce undue cutting and filling, and limiting impervious
surfaces; and

7 **iv. Landscaping:** Use of landscaping to soften the appearance of parking areas, to
8 provide shade and privacy where needed, to define and enhance open spaces, and
9 generally to enhance the appearance of the project. Landscaping also includes the design
and protection of planting areas so that they are less susceptible to damage from vehicles
or pedestrian movements.

10
11 14. As determined in Finding of Fact No. 5, the proposal has been well designed to provide for
12 privacy and noise reduction. There is nothing in the record to reasonably suggest that the scale, spacing
and orientation of the project could be modified to provide for more privacy and noise reduction
13 without unreasonably interfering with the utility of the project. The scale of the project will not create
any adverse impacts as discussed and is compatible with vehicle and pedestrian circulation as
14 determined in Finding of Fact No. 5. In addition, there is nothing in the record to reasonably suggest
that the scale of the project is incompatible with sunlight, prevailing winds or natural characteristics.
15 However, the site is a former gas station. A condition of approval will require the Applicant to submit
verification demonstrating a closure permit has been obtained and/or demonstrates that no detectable
16 unauthorized release has occurred or that unauthorized releases have been cleaned up. As conditioned,
this criterion is satisfied.

17 **RMC 4-9-200(E)(3)(d): Access and Circulation:** Safe and efficient access and circulation for all
18 users, including:

19 **i. Location and Consolidation:** Providing access points on side streets or frontage streets
20 rather than directly onto arterial streets and consolidation of ingress and egress points on
the site and, when feasible, with adjacent properties;

21 **ii. Internal Circulation:** Promoting safety and efficiency of the internal circulation system,
22 including the location, design and dimensions of vehicular and pedestrian access points,
23 drives, parking, turnarounds, walkways, bikeways, and emergency access ways;

24 **iii. Loading and Delivery:** Separating loading and delivery areas from parking and
pedestrian areas;

25 **iv. Transit and Bicycles:** Providing transit, carpools and bicycle facilities and access; and
26

4. *Buildings with residential uses located at the street level shall be set back from the sidewalk a minimum of ten feet (10') and feature substantial landscaping between the sidewalk and the building or have the ground floor residential uses raised above street level for residents privacy.*

21. The proposed structure is located on a majority of the site with little to no setbacks from the proposed pedestrian easements along the Main Avenue South and South 2nd Street frontages. The proposed design includes the availability of natural light into the building with the use of a two-story entrance for the residential component of the project. The Applicant has agreed to raise the ceiling height on the ground level to 15 feet to allow for more natural light. A condition of approval will require the Applicant to submit revised elevations which incorporate additional height for the first story of the entire structure, to no less than 15-feet, and the use of a two-story entrance for the commercial component at the corner of Main Avenue South and South 2nd Street. The proposal meets all other bulk and dimensional requirements. As conditioned, this criterion is satisfied.

RMC 4-3-100(E)(1)(2) Building Entries:

1. *A primary entrance of each building shall be:*

a. *located on the facade facing a street, shall be prominent, visible from the street, connected by a walkway to the public sidewalk, and include human-scale elements.*

b. *made visibly prominent by incorporating architectural features such as a facade overhang, trellis, large entry doors, and/or ornamental lighting.*

2. *Building entries from a street shall be clearly marked with canopies, architectural elements, ornamental lighting, or landscaping and include weather protection at least four and one-half feet wide. Buildings that are taller than thirty feet (30') in height shall also ensure that the weather protection is proportional to the distance above ground level.*

4. *Features such as entries, lobbies, and display windows shall be oriented to a street or pedestrian-oriented space; otherwise, screening or decorative features should be incorporated.*

22. As noted in Finding of Fact No. 3, the building's primary (residential) entrance is proposed to be located in the center of the eastern façade facing Main Avenue South. The primary entrance will be a two-story structure. Secondary (retail) entrances are also proposed along Main Avenue South and at that northeast corner of the structure. The applicant has stated that canopies, architectural elements and ornamental lighting will be employed at the retail and residential entrances to clearly identify them as the primary pedestrian entry points into the building. The Applicant has proposed brick masonry siding as a base material to ground the first and portions of the second story along Main Avenue South and South 2nd Street. Cement board paneling of various colors and horizontal and vertical metal siding is proposed for use in order to create visual interest and provide breaks in exterior walls (See Ex. 5).

The Applicant did not provide awning and lighting detail with the land use application. The perspectives (Exhibit 6) depict street level awnings for the residential entry lobby and the outdoor seating/retail entrance. No other street level awnings are shown. A condition of approval will require

1 the Applicant to provide awning details which depict additional appropriately-sized awnings along the
2 balance of the Main Avenue South and South 2nd Street ground level facades in order to provide
3 weather protection and emphasize the commercial aspect of the ground level. The awning detail shall
4 be submitted to, and approved by, the Current Planning Project Manager prior to building permit
5 approval.

6 The main retail entrances at the street corner are an integral architectural feature of the building to
7 achieve a visual character appropriate to a "gateway" landmark. However, the commercial prominence
8 of the entrance is subordinate to the proposed residential entrance which is currently a two-story high
9 recess. The Applicant must submit revised elevations demonstrating enhanced natural light to the
10 commercial use.

11 **RMC 4-3-100(E)(1)(3) Transition to Surrounding Development:**

12 1. *At least one of the following design elements shall be considered to promote a transition to
13 surrounding uses:*

14 *(a) Building proportions, including step-backs on upper levels;*

15 *(b) Building articulation to divide a larger architectural element into smaller increments; or*

16 *(c) Roof lines, roof pitches, and roof shapes designed to reduce apparent bulk and transition
17 with existing development.*

18 *Additionally, the Administrator of the Department of Community and Economic Development or
19 designee may require increased setbacks at the side or rear of a building in order to reduce the
20 bulk and scale of larger buildings and/or so that sunlight reaches adjacent and/or abutting yards.*

21 23. As proposed (Finding of Fact No. 3), this criterion is satisfied.

22 **RMC 4-3-100(E)(1)(4) Service Element Location and Design:**

23 1. *Service elements shall be located and designed to minimize the impacts on the pedestrian
24 environment and adjacent uses. Service elements shall be concentrated and located where they
25 are accessible to service vehicles and convenient for tenant use.*

26 24. As noted in Findings of Fact No. 4G and 5I above and Conclusion of Law No. 36 below, the
proposed refuse and recycle deposit areas are located within the proposed structure and will be
convenient for tenant. No impacts to the pedestrian environment or adjacent uses are anticipated.

RMC 4-3-100(E)(2)(2) Structured Parking Garages:

1. *Parking structures shall provide space for ground floor commercial uses along street frontages
at a minimum of seventy five percent (75%) of the building frontage width.*

25. As proposed, this criterion is satisfied.

1
2 **RMC 4-3-100(E)(2)(3) Vehicular Access:**

3 *1. Access to parking lots and garages shall be from alleys, when available. If not available, access*
4 *shall occur at side streets.*

5 *2. The number of driveways and curb cuts shall be minimized, so that pedestrian circulation along*
6 *the sidewalk is minimally impeded.*

7 26. As noted in Finding of Fact No. 3 and 4E, all access is prosed from the alley and curb cuts are
8 minimized. This criterion is satisfied.

8 **RMC 4-3-100(E)(3)(1) Pedestrian Circulation:**

9 *1. A pedestrian circulation system of pathways that are clearly delineated and connect buildings,*
10 *open space, and parking areas with the sidewalk system and abutting properties shall be*
11 *provided.*

12 *a. Pathways shall be located so that there are clear sight lines, to increase safety.*

13 *b. Pathways shall be an all-weather or permeable walking surface, unless the applicant*
14 *can demonstrate that the proposed surface is appropriate for the anticipated number of*
15 *users and complementary to the design of the development.*

16 27. As noted above in Finding of Fact No. 4C, there are safety concerns for patrons using the outdoor
17 seating area and the potential for vehicles using the busy intersection to jump the curb. Bollards or
18 other alternative safety measures are needed. As a condition of approval, the Applicant must either
19 provide bollards or an alternative measure to reduce the potential for vehicles to compromise the safety
20 of patrons using the proposed outdoor seating area. The revised site plan shall be submitted to, and
21 approved by, the Current Planning Project Manager prior to building permit approval.

19 **RMC 4-3-100(E)(3)(3) Pedestrian Circulation:**

20 *1. Sidewalks and pathways along the facades of buildings shall be of sufficient width to*
21 *accommodate anticipated numbers of users. Specifically:*

22 *a. Sidewalks and pathways along the facades of mixed use and retail buildings one*
23 *hundred (100) or more feet in width (measured along the facade) shall provide*
24 *sidewalks at least twelve feet (12') in width. The pathway shall include an eight-foot*
25 *(8') minimum unobstructed walking surface.*

26 *b. Interior pathways shall be provided and shall vary in width to establish a hierarchy.*
The widths shall be based on the intended number of users; to be no smaller than
five feet (5') and no greater than twelve feet (12').

28. As proposed, this criterion is met.

RMC 4-3-100(E)(4) Recreation Areas and Common Open Space:

1. *All mixed use residential and attached housing developments of ten (10) or more dwelling units shall provide common opens space and/or recreation areas.*
2. *Amount of common space or recreation area to be provided: at minimum fifty (50) square feet per unit.*
3. *The location, layout, and proposed type of common space or recreation area shall be subject to approval by the Administrator of the Department of Community and Economic Development or designee.*
4. *At least one of the following shall be provided in each open space and/or recreation area (the Administrator of the Department of Community and Economic Development or designee may require more than one of the following elements for developments having more than one hundred (100) units):*
 - a. *Courtyards, plazas, or multi-purpose open spaces;*
 - b. *Upper level common decks, patios, terraces, or roof gardens/pea-patches. Such spaces above the street level must feature views or amenities that are unique to the site and are provided as an asset to the development;*
 - c. *Pedestrian corridors dedicated to passive recreation and separate from the public street system;*
 - d. *Recreation facilities including, but not limited to, tennis/sports courts, swimming pools, exercise areas, game rooms, or other similar facilities; or*
 - e. *Children's play spaces that are centrally located near a majority of dwelling units and visible from surrounding units. They shall also be located away from hazardous areas such as garbage dumpsters, drainage facilities, and parking areas.*

29. As noted in Finding of Fact No. 3 and 4D above, the Applicant is proposing a total of 5,114sf of common open space which exceeds the 50sf/unit requirement. The 5,114sf is distributed between a 1,105sf residential amenity space at grade and a 4,009sf roof deck patio on the second floor. The second floor common deck/roof garden will be centrally located, with dwelling units surrounding it on three sides. The second floor common deck/roof garden will be located on the west side of the property, and will enjoy solar exposure from mid-afternoon to early evening in the summer. The ground floor residential amenity space will be adjacent to the main residential lobby off of Main Avenue South. All units are also proposed to either have a ground floor patio or a private deck for the upper story units. As noted in Conclusion of Law No. 30 below, Staff indicated support for a proposal to provide extra pedestrian amenity space at the street level in lieu of providing public art.

RMC 4-3-100(E)(5)(1) Building Character and Massing:

1. *All building facades shall include modulation or articulation at intervals of no more than forty feet (40').*
2. *Modulations shall be a minimum of two feet (2') deep, sixteen feet (16') in height, and eight feet (8') in width.*
3. *Buildings greater than one hundred sixty feet (160') in length shall provide a variety of modulations and articulations to reduce the apparent bulk and scale of the facade; or provide an additional special feature such as a clock tower, courtyard, fountain, or public gathering area.*

30. As proposed, items 1 and 2 above are satisfied. With respect to #3, the 2008 approval included a commitment to public art on site as a special feature. However, the City has since begun a Capital Improvement Project (CIP) at the intersection Main Avenue South and South 2nd Street. The CIP project includes the construction of large plaza, and a dedicated space for public art, on the northwest corner of the intersection (Exhibit 17). The CIP plaza space would offer a large area to accommodate a substantial public art installation. As an alternative to the proposed public art installation which might detract from planned improvements on the northwest corner of the intersection, Staff suggests the Applicant provide additional streetscape amenities which may include ornamental bicycle racks, public refuse receptacles, or use of small raised landscape planters which could also serve to provide informal seating at the ground level. The planter could also serve to be used as a public gathering space and provide an informal separation of the public sidewalk and the proposed on-site outdoor dining area.

The Applicant is required to either provide the required modulations and articulations to reduce the apparent bulk of the building, or, to submit a Public Art Plan for review prior to building permit approval. With the accomplishment of either of those two options, the criteria are satisfied.

RMC 4-3-100(E)(5)(2) Ground-Level Details:

1. *Human-scaled elements such as a lighting fixture, trellis, or other landscape feature shall be provided along the facade's ground floor.*
2. *On any facade visible to the public, transparent windows and/or doors are required to comprise at least 50 percent of the portion of the ground floor facade that is between 4 feet and 8 feet above ground (as measured on the true elevation).*
3. *Upper portions of building facades shall have clear windows with visibility into and out of the building. However, screening may be applied to provide shade and energy efficiency. The minimum amount of light transmittance for windows shall be 50 percent.*
4. *Display windows shall be designed for frequent change of merchandise, rather than permanent displays.*
5. *Where windows or storefronts occur, they must principally contain clear glazing.*

6. *Tinted and dark glass, highly reflective (mirror-type) glass and film are prohibited.*

31. As noted in Finding of Fact No. 5A above, human-scaled elements such as lighting fixtures or other landscape features along the majority of the building's northern or eastern façades are proposed. However, the elements are not apparent on the provided elevations (Exhibit 4). Additional human scale elements are needed in order to reinforce a pedestrian oriented development and enhance the commercial portion of the project at the street front. As a condition of approval, the Applicant must submit revised elevations depicting added floor to ceiling window types for the extension of the proposed retail space to the west along South 2nd Street and south along Main Avenue South to the respective retail space entrance from the sidewalk. The revised elevations shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval. If this condition of approval is met the proposal would satisfy this standard.

RMC 4-3-100(E)(5)(3) Building Roof Lines: *Buildings shall use at least one of the following elements to create varied and interesting roof profiles:*

- a. Extended parapets;*
- b. Feature elements projecting above parapets;*
- c. Projected cornices;*
- d. Pitched or sloped roofs*
- e. Buildings containing predominantly residential uses shall have pitched roofs with a minimum slope of one to four (1:4) and shall have dormers or interesting roof forms that break up the massiveness of an uninterrupted sloping roof.*

32. As noted in Finding of Fact 5A above, the Applicant proposes a varied roofline consisting primarily of shed roofs at a low angle that have been articulated for visual interest (Exhibit 5). This criterion is satisfied.

RMC 4-3-100(E)(5)(4) Building Materials:

- 1. All sides of buildings visible from a street, pathway, parking area, or open space shall be finished on all sides with the same building materials, detailing, and color scheme, or if different, with materials of the same quality.*
- 2. All buildings shall use material variations such as colors, brick or metal banding, patterns or textural changes.*
- 3. Materials shall be durable, high quality, and consistent with more traditional urban development, such as brick, integrally colored concrete masonry, pre-finished metal, stone, steel, glass and cast-in-place concrete.*

33. The Applicant has proposed a building exterior with varied colors, textures, and profiles. Brick masonry of at least two tones is proposed to be used at the base which provides contrast to storefront glazing at the street level. The facades contain cement board paneling of various colors and horizontal and vertical metal siding with varied profiles. The façade treatments create visual appeal and break up the monotony of the exterior walls. Standing seam metal sheets are proposed to be utilized on the shed roofs.

It isn't clear from the record if the proposal would use high quality building materials. In order to ensure that quality materials are used, a condition of approval will require the Applicant to submit a materials board subject to the approval of the Current Planning Project Manager prior to building permit approval. Acceptable materials include a combination of brick, integrally colored concrete masonry, pre-finished metal, stone, steel, glass, cast-in-place concrete, or other high quality material. Full brick-sized material should be encouraged for at least the street level façade to ensure durable materials are applied in high traffic pedestrian locations. Any non-brick masonry finishes proposed at the ground level that may be accessible to humans should be anti-graffiti coating applied to ensure easy removal of graffiti. If this condition of approval is met, the proposal would satisfy this standard.

RMC 4-3-100(E)(6) Signage:

1. *Entry signs shall be limited to the name of the larger development.*
2. *Corporate logos and signs shall be sized appropriately for their location.*
3. *In mixed use and multi-use buildings, signage shall be coordinated with the overall building design.*
4. *Freestanding ground-related monument signs, with the exception of primary entry signs, shall be limited to five feet (5') above finished grade, including support structure.*
5. *Freestanding signs shall include decorative landscaping (ground cover and/or shrubs) to provide seasonal interest in the area surrounding the sign. Alternately, signage may incorporate stone, brick, or other decorative materials as approved by the Director.*
6. *All of the following are prohibited:*
 - a. *Pole signs;*
 - b. *Roof signs; and*
 - c. *Back-lit signs with letters or graphics on a plastic sheet (can signs or illuminated cabinet signs). Exceptions: Back-lit logo signs less than ten (10) square feet are permitted as area signs with only the individual letters back-lit (see illustration, subsection G8 of this Section).*

34. Signage has not yet been designed for the proposed project. As a condition of approval, the Applicant is required to submit a comprehensive signage package which complies with the standards of

Design District 'A'. The conceptual sign package shall indicate approximate locations of all exterior building signage to serve both the residential and commercial uses. Locations and supports are required to be compatible with the building's architecture and exterior finishes. The signage package shall be submitted to and approved by the Current Planning Manager prior to sign permit approval. As conditioned, this criterion is met.

RMC 4-3-100(E)(7) Lighting:

1. *Pedestrian-scale lighting shall be provided at primary and secondary building entrances. Examples include sconces on building facades, awnings with down-lighting and decorative street lighting.*
3. *Accent lighting shall also be provided on building facades (such as sconces) and/or to illuminate other key elements of the site such as gateways, specimen trees, other significant landscaping, water features, and/or artwork.*
4. *Downlighting shall be used in all cases to assure safe pedestrian and vehicular movement, unless alternative pedestrian scale lighting has been approved administratively or is specifically listed as exempt from provisions located in RMC 4-4-075, Lighting, Exterior On-Site (i.e., signage, governmental flags, temporary holiday or decorative lighting, right-of-way-lighting, etc.).*

35. As noted in Findings of Fact No. 3 and 5B above, building lighting will be utilized to complement the architecture of the building. However, a lighting plan was not provided with the application. A condition of approval requires the Applicant to provide a lighting plan which complies with the Design District standards. The plan shall indicate the location of exterior/ornamental lighting to be attached to the building, including specifications and photo samples of the light fixtures. The lighting plan shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval. If this condition of approval is met, the proposal would satisfy this standard.

Refuse and Recycling Modification

RMC 4-9-250(D)(2): *Whenever there are practical difficulties involved in carrying out the provisions of this Title, the Department Administrator may grant modifications for individual cases provided he/she shall first find that a specific reason makes the strict letter of this Code impractical, that the intent and purpose of the governing land use designation of the Comprehensive Plan is met and that the modification is in conformity with the intent and purpose of this Code, and that such modification:*

- a. *Substantially implements the policy direction of the policies and objectives of the Comprehensive Plan Land Use Element and the Community Design Element and the proposed modification is the minimum adjustment necessary to implement these policies and objectives;*

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.